

**PLANNING COMMISSION MINUTES OF AUGUST 22, 2005**

**2005-0565:** Application for a Special Development Permit on a 6,500 square-foot site to allow a second-story addition and a detached garage with a second story accessory living unit resulting in a 64% Floor Area Ratio where 45% may be allowed without Planning Commission review. The property is located at **375 Carroll Street** (near E. Iowa Ave) in a DSP-8b (Downtown Specific Plan/Block 8b) Zoning District. (APN: 209-25-020) JM

**Jamie McLeod**, Associate Planner, presented the staff report. Staff is recommending denial of project because if it were presented as a variance staff would not be able to make the variance findings. If the Planning Commission approves the project, staff has provided some recommended Conditions of Approval (COA).

**Comm. Sulser** asked about the 64% Floor Area Ratio (FAR) and confirmed that this includes the garage and accessory unit. He asked what the FAR would be for just the house. Staff said the FAR would be 41% without the detached garage and accessory unit.

**Comm. Moylan** asked for clarification about the staff comment that "if this property were not in the Downtown Specific Plan (DSP) area that it would require a variance." He asked which particular deviations would require a variance and why property located in the DSP area is immune to the variance requirements. Staff said the proposed deviations would be the same as noted in the report on page three and that all new development in the DSP area requires a Special Development Permit (SDP). Single-family homes default to the R-0 zoning requirements. The properties in the DSP area are older homes with irregular lots, and unique conditions. Trudi Ryan, Planning Officer, said the SDP affords the Planning Commission the opportunity to justify deviations based on the total of the project and not having to meet the variance findings.

**Chair Hungerford** asked if there is a defined area for the Downtown where this special development process applies. Ms. Ryan said the DSP has specific boundaries and the zoning is DSP.

**Comm. Simons** asked about "grandfathered non-conforming styles of housing" and why Sunnyvale appears to have rules that require garages be built towards the front of properties when older homes often have them to the rear. Ms. Ryan said that the City does not require that garages be located towards the front of the properties and that it is changes in style and convenience that have made newer homes have garages toward the front of homes.

**Ms. McLeod** advised of an error in the report regarding parking, that the property is actually legal non-conforming and has zero covered spaces, not one as noted

in the report. There is currently no garage on the site as the "garage" area is a family room.

**Chair Hungerford opened the public hearing.**

**Floyd Frederickson and Dawn Marquez**, the applicant and owner of the property, commented that it was nice to see that others were equally confused about the DSP zoning. Mr. Frederickson said they have gone through many versions of the plan over the past few months to get the project where it is today and have already mitigated many things. He said some of the items that staff is requesting will be difficult to further mitigate. He focused on the setback issues regarding the detached garage and accessory unit. He explained why the plans are laid out the way they are including the attempt to work around the large, old English Walnut tree, and the placement of the garage in a location that would be safe and functional. He referred to the apartments in the back of the property, addressed privacy issues and explained the efforts made to improve the setback on the 2<sup>nd</sup> story. He said they are looking for some latitude regarding the density of the transition from the DSP and where they are located with regards to their zoning. He noted that letters of support from surrounding property owners have been provided.

**Chair Hungerford closed the public hearing.**

**Comm. Babcock moved for Alternative 1, to deny the Special Development Permit. Comm. Klein seconded.**

**Comm. Babcock** said she was unable to make any of the findings. She said everything needs to come down a little bit and that even though the apartments are 40 feet from the property line now, if this second story is built close to the fence then the apartments would be limited for future redevelopment. She encouraged the applicant to continue to work with staff to develop something more appropriate for this site and the block.

**Comm. Klein** said he shares the concerns of Comm. Babcock adding that the setbacks are his biggest concern. He said the current neighbors may not be opposed to the project, but future neighbors may feel differently.

**Comm. Simons** said he will be supporting the motion however he was appreciative of the applicant's effort to keep the large tree on his lot and hoped that any future application also included the preservation.

**Chair Hungerford** commented that he struggled with this decision a bit as he likes the garage in the back of the house. The problem is it is too big and too close to the back lot line. He encouraged the applicant to rethink it and come back with something with fewer deviations and not so close to the back lot line.

**Final Action:**

**Comm. Babcock made a motion on Item 2005-0565 for Alternative 1, to deny the Special Development Permit, Comm. Klein seconded.**

**Motion carried unanimously, 7-0.**

**This item is appealable to the City Council no later that September 6, 2005.**